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Security Council

Sixty-eighth year

Provisional

6934th meeting
Thursday, 14 March 2013, 10.15 a.m.
New York

President:	Mr. Churkin	(Russian Federation)
Members:	Argentina	Mrs. Perceval
	Australia	Mr. Quinlan
	Azerbaijan	Mr. Mehdiyev
	China	Ms. Jiang Hua
	France	Mr. Briens
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Masood Khan
	Republic of Korea	Mr. Kim Sook
	Rwanda	Mr. Gasana
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2013/104)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2013/104)

The President (*spoke in Russian*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

On behalf of the Council, I welcome His Excellency Mr. Ali Zeidan, Prime Minister of Libya.

I request the Chief of Protocol to escort His Excellency Mr. Ali Zeidan, Prime Minister of Libya, to a seat at the Council table.

Mr. Ali Zeidan, Prime Minister of Libya, was escorted to a seat at the Council table.

The President (*spoke in Russian*): Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Tarek Mitri, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2013/156, which contains the text of a draft resolution submitted by Australia, France, Luxembourg, Morocco, Rwanda, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I wish to draw the attention of Council members to document S/2013/104, which contains the report of the Secretary-General on the United Nations Support Mission in Libya.

At this meeting, the Security Council will hear briefings by Mr. Tarek Mitri and His Excellency Mr. Eugène-Richard Gasana, Permanent Representative of Rwanda, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. Mitri.

Mr. Mitri: The Council has before it the report of the Secretary-General on the United Nations Support Mission in Libya (UNSMIL) dated 21 February 2013 (S/2013/104). As the report provides details on the work of UNSMIL over the past six months, I will therefore focus my remarks on the most recent and critical developments.

On 17 February, the Libyan people took to the streets across the country to mark the second anniversary of their revolution. On 15 February, and again on 17 February, thousands gathered in Benghazi's Freedom Square, calling for an end to the political and socioeconomic marginalization of the east and for greater stability.

Despite widespread concern, the events of 15 and 17 February did not destabilize the country. The largely peaceful and celebratory demonstrations manifested a sense of pride in the promises augured by the revolution. Libya's political leadership is to be commended for its efforts to defuse tensions and provide efficient security measures. Both President El-Magariaf and Prime Minister Ali Zeidan reached out across the political spectrum in the east. The anniversary was an opportunity for the Libyan political leadership to reiterate its commitment to transitional justice, national reconciliation through dialogue, the reactivation of the economy and improvements in local governance, a key demand in the east.

In my last briefing to the Council (see S/PV.6912), I spoke of mounting public pressure on the General National Congress to expeditiously form a constitutional drafting assembly, and of the debate within the Congress about whether to appoint or elect members to such an assembly. As outlined in the report of the Secretary-General, on 6 February the General National Congress voted to leave in place amendment 3 to the Constitutional Declaration, which required members of the constitution drafting assembly to be elected by popular vote. The decision resolved a debate that had come to increasingly dominate the constitution-making process. However, a subsequent decision of the Supreme Court invalidated amendment 3 on technical and procedural grounds.

Therefore, an amendment of the Constitutional Declaration by the General National Congress is required, and is about to be made, in order to move forward in organizing the election of the constitutional drafting assembly. In anticipation, the High National Election Commission, with the assistance of the United Nations, intensified its effort to digitize the hard-

copy voter register and undertake other institutional developments. It is hoped that the requisite legislation for the election of the 60-member assembly will be adopted without delay.

Over the past few weeks, a political crisis has emerged from the controversy over a proposed law on political isolation, proponents of which argue that it is a necessary tool to protect the revolution and ensure that those who corrupted public life in the past are excluded from holding public office. While there is strong support for such a law in some quarters, the debate over its adoption has been politically divisive. In its current form, the draft law contains an extensive list of criteria, many of which are based on affiliation, and would apply to a wide range of public office-holders at the national and local levels, including elected officials and the judiciary. The draft law is also silent on how it is to be implemented.

The legitimacy of adopting measures to exclude individuals who have committed serious human rights violations from holding public office constitutes a valid transitional justice measure. However, in meetings with political leaders and Congress members, we have consistently urged caution on the adoption of such a law, and highlighted international standards that ought to apply to any vetting mechanism. UNSMIL reiterated this message in a memorandum submitted to President El-Magariaf for further distribution to General National Congress members.

On 5 March, a special session of the General National Congress to discuss the draft law ended in disarray after protestors threatened to use force unless Congress members voted to adopt the draft law. I strongly deplored such armed intimidation of the General National Congress and the attempted assassination of President El-Magariaf that followed. Following last week's siege and violence, Mr. El-Magariaf made it clear that the General National Congress would not reconvene under pressure or the threat of arms.

During the same week, the Al-Assima television station was stormed by armed men. Its director and five of its staff were kidnapped and later released. There were also attacks against other media organizations and journalists, as well as against a Coptic Church in Benghazi and other places of worship. I strongly deplored all of those acts of violence. Prime Minister Zeidan has declared unequivocally that the Government will take measures to ensure that armed intimidation of the General National Congress and the use of force to achieve political objectives are not repeated. He called on the Libyan people to stand with the Government when it uses force against those who break the law.

When I last briefed the Council, I noted that the continued mistreatment and detention without due process of several thousand people remain a source of deep concern. I am pleased to note that the Government has taken measures to accelerate the screening of detainees and their transfer to State-controlled detention facilities.

For its part, UNSMIL continues to highlight the plight of detainees, particularly those held in secret detention facilities, including farms and private homes in the Tripoli area and in other towns and cities across the country. We are equally concerned by allegations of a number of deaths in custody. The Minister of Justice has been responsive to our requests and to the advocacy efforts of various human rights organizations. The Minister of the Interior has announced his plans to confront illegal brigades and rogue elements suspected of involvement in kidnapping, detention and torture.

It is also worth acknowledging that the Libyan Government facilitated a visit by UNSMIL representatives to former Prime Minister Al-Baghdadi al-Mahmoudi, following media reports suggesting he had sustained life-threatening injuries as a result of torture at a detention facility in Tripoli. Appearing to be in decent physical and mental condition, Mr. Al-Mahmoudi unequivocally denied having been mistreated.

With regard to former intelligence chief Mr. Abdullah Al-Senussi, the International Criminal Court issued a decision ordering the Libyan authorities to have him surrendered to The Hague. The authorities have since appealed the order and signaled their intention to file a challenge to the admissibility of that case.

The Secretary-General's report proposes the renewal of UNSMIL's mandate as an integrated special political mission for another 12 months to continue its assistance to the State of Libya in defining national priorities related to its democratic transition and efforts to build a modern, accountable State based on the rule of law and respect for human rights. The proposed mandate areas are fully consistent with the request of the Libyan authorities.

When I last briefed the Council, I noted that an international ministerial conference on support to Libya would be convened in Paris, following the senior officials' meeting held in London in December 2012. The Paris conference, held on 12 February, was the first international high-level event convened on Libya since the revolution, and was an occasion for Libya's international partners to endorse the detailed priorities articulated by the Libyan Government in the form of a security, justice and rule of law development plan. The onus is now on the Libyan Government to take relevant policy decisions and create appropriate coordination structures that would contribute towards the implementation of its action plans.

Despite the fact that the Libyan people have come a long way since the liberation of the country 17 months ago, the security problems remain formidable, and are arguably the predominant concern for most Libyans. Significant progress in improving the country's precarious security situation remains hampered by weak State institutions and security coordination mechanisms, as well as by continuing mistrust of the State's security forces on the part of many of those who fought during the revolution, most of whom remain armed. The country remains awash in unsecured weapons and munitions that continue to pose a regional security risk, given Libya s porous borders.

Notwithstanding those difficulties, Prime Minister Zeidan's Government is resolved to move forward and to do so expeditiously in order to enhance security and address the various problems pertaining to the proliferation of weapons and the continued presence of armed groups outside the legitimate control of the State. UNSMIL will continue to provide assistance in that regard.

Given the legacy bequeathed to the Libyan people by the former regime, the process of democratic transition will surely face an array of obstacles requiring long-term responses. The past few weeks have seen increased political polarization in the debate over the draft political isolation law and attempts to openly undermine the authority of the democratically elected bodies and legitimate institutions of the State. I have consistently impressed upon Libya's political leadership that safeguarding Libya's democratic transition will require an inclusive dialogue leading to genuine national reconciliation.

The Council is about to hear from Libya's first democratically elected Prime Minister. It has indeed been a privilege for me and my colleagues to work with Prime Minister Zeidan and his Government. We appreciate their determination and strong commitment to building a modern, democratic and accountable State based on the rule of law and respect for human rights. UNSMIL is grateful to the Prime Minister and all of his Ministers and his Government for fostering a relationship of confidence and close collaboration that enables us in UNSMIL to execute our mandate in the service of the Libyan people.

The President (*spoke in Russian*): I thank Mr. Mitri for his briefing.

I now give the floor to Ambassador Gasana.

Mr. Gasana (Rwanda): In accordance with paragraph 24 (e) of resolution 1970 (2011) of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established by that resolution. The report covers the period from 9 November 2012 to 14 March 2013, during which time the members of the Committee met twice in informal consultations.

In informal consultations on 28 November, the outgoing Committee Chair took stock of the work carried out by the Committee since its establishment. The Committee discussed pending matters and a case of alleged proliferation of arms from Libya into the region. Subsequently, on 18 December the Committee sent a letter seeking further information from the Member State that had originally referred to that case in a meeting of the Security Council.

On 30 November, the outgoing Committee Chair provided an open briefing to all Member States in which he gave an overview of the work of the Committee against the backdrop of a continually evolving sanctions regime. The Panel of Experts, which also participated, elaborated on the guidance contained in the Committee's implementation assistance notice no. 2 in relation to arms embargo exemptions. An interactive discussion followed.

On 15 February 2013, the Committee received the final report of the Panel of Experts under resolution 2040 (2012). I will briefly recapitulate parts of the executive summary of that document (S/2012/163, annex).

Concerning the arms embargo, the Panel concluded that, despite notable efforts, most of the challenges to implementation and enforcement highlighted in its previous report continued to exist. In that context, the Panel noted that Libya's security sector was still in the process of being built. It found that the proliferation of weapons from Libya had continued at a worrying scale and spread into new territory, and it expressed concern that, while several Member States had notified the Committee of the transfers of military and other materiel to the Libyan authorities for security assistance, there was an absence of any official procurement mechanism within Libya for such transfers. The Panel also reported on cases of transfers of arms and ammunition to and from Libya during the uprising and/or more recently, and on its ongoing investigations in that regard.

Concerning the assets freeze, the Panel focused its efforts on the hidden assets of the two listed entities, the Libyan Investment Authority and the Libyan Africa Investment Portfolio, and on the assets of the listed individuals, most of which were believed to be held abroad in different names. The Panel collected information regarding the efforts of certain listed individuals to negate the effects of the assets freeze measures by the use of front companies, and of accomplices who had assisted them to that end. The Panel also reported on the implementation, or lack thereof, of the assets freeze by certain Member States.

As regards the travel ban, the Panel continued to seek information on all violations, with a particular focus in the report on two listed individuals.

The Committee discussed the report and recommendations of the Panel of Experts in informal consultations on 6 March. The report was generally well received, and the main points that emerged in the discussion were concern about the level and reach of arms proliferation from Libya, with acknowledgement of certain steps taken by the Libyan authorities towards improving the situation; a desire to apply the sanctions framework in partnership with the Libyan authorities and in support of the Libyan-led transition and institution-building process; ways in which to raise awareness of the sanctions measures and to remove any misconceptions of them as barriers to progress; and how to carry forward the recommendations of the Panel of Experts. Of the eight recommendations, the Committee agreed to take follow-up action on five. A sixth recommendation required no action and the Committee simply took note of it, while the two remaining recommendations were addressed to the Security Council.

Lastly, let me provide the Council with some updated statistics on the issues dealt with by the Committee since its last periodic report to the Council (see S/PV.6857). In relation to the arms embargo, the Committee approved 10 exemption requests and received 29 notifications on which no negative decision was taken. With respect to the assets freeze, the Committee received four notifications, on which no negative decision was taken. The Committee also responded to four requests for guidance from Member States. Finally, the Committee received a request for the removal of a name from its travel ban and assets freeze list. The process of considering that request is continuing. Going forward, I intend to continue the good practice established by my predecessor of reflecting such statistics and issues in a tabular format, to be updated regularly, and to share them with the members of the Committee.

The President (*spoke in Russian*): I thank Ambassador Gasana for his briefing.

I now give the floor to Prime Minister Zeidan.

Mr. Zeidan (Libya) (*spoke in Arabic*): I would like to thank you, Mr. President, and the members of the Security Council for this opportunity to speak on behalf of Libya as we move with full confidence and determination towards democracy, while at the same time developing the highest standards for human rights and the achievement of development and prosperity, so as to build a free and democratic State that can credibly and effectively contribute as part of the international community to achieving the principles and objectives of the United Nations.

The United Nations and the Council have played an important role in my country's history. A decision was taken at Headquarters on 21 November 1949 concerning the independence of Libya. On that basis, a Constitution was drafted with the help of the United Nations — one of the best constitutions of that time. I would like to express my gratitude for the efforts of the United Nations to support Libya back then. To this day, one of the most beautiful streets in Tripoli bears the name of Adriaan Pelt, the Organization's representative who helped us draft that Constitution, which was in force until 1969, when a coup took place. That support was in evidence once again in February 2011, when the United Nations stood up to prevent the murder of

civilians in the streets following an important statement made here in the Chamber by Ambassador Shalgham (see S/PV.6490), with the Secretary-General at his side and in the presence of representatives from other nations, which marked a new beginning in the history of Libya's revolution.

Since then, the United Nations Support Mission in Libya (UNSMIL), which was present in Benghazi prior to the liberation of Tripoli, has made important contributions in all areas. Special Representative Tarek Mitri and his team continue to play their roles seriously and with enthusiasm, including vis-à-vis the Government and civil society. The Government continues its cooperation with the United Nations country team. We are quite happy to support the renewal of the United Nations mandate in Libya for an additional 12 months.

I would like to take this opportunity to thank Mr. Mitri and Secretary-General Ban Ki-moon. The Secretary-General's assistance during the revolution played a significant role in ensuring victory. I also thank all our partners and allies from friendly countries that supported us in various ways. Thanks to their efforts and support, we achieved victory on 20 October 2011. I should like to reaffirm our partnership with the international community, the United Nations and all our friends and allies that supported throughout. To those throughout the regions of the world that did not support us we nevertheless extend a hand in friendship and cooperation.

At this historic stage, when the Libyan people are moving ahead with forging a State based on the rule of law and human rights, I should like to reassure the international community, the United Nations and the Security Council that Libya is moving steadily and with confidence, determination and will towards establishing a democratic country in which the rule of law and human rights are respected, and where there is positive cooperation with all our partners around the world. At the most recent Summit of the African Union, I spoke to our African brothers about our strong ties with them and about our important role in Africa, which would henceforth be more positive. I also thanked all those in Africa who had supported us in our revolutionary march.

The security challenges we face today are enormous and difficult. However, in a short time, we have been able secure the means and put in place a mechanism to establish control. We have made progress in securing weapons coming in to and leaving Libya. We have placed emphasis on controls at ports and airports, including following up in order to prevent weapons from coming in. We have secured our borders with Algeria, Chad, Egypt, the Niger and the Sudan. We accept the fact that those borders should be under our control: the control of our army, air force and revolutionary fighters. Intelligence has recently been employed to help control crime. We have begun to train police and military to those ends. We are also trying to establish a national guard to assume responsibility for security in zones outside urban areas.

The Government is now developing its justice sector programme, which might be approved in a week or two. We have made progress in rehabilitating prisons to bring them up to international standards. We have trained approximately 10,000 judicial police officers, which is in addition to the 15,000 who have already been trained.

The Government is also working to promote national reconciliation at all levels, including with regard to religion, as well as building the necessary institutions and legal instruments through the Ministry of Justice and its organs.

We are taking decisive steps to reintegrate Libya's internally displaced persons. We have also made arrangements for persons who are now in neighbouring countries and are taking measures to enable them to return to our country, including putting in place significant security guarantees.

We are rebuilding the Ministries of Defence and of the Interior. We will shortly complete the reconstruction of the Ministry of Defence. We have made progress in retraining the air, land and naval forces. Our navy recently discovered 32 tons of drugs coming through the Strait of Gibraltar.

With regard to the elections, we must select the constitutional drafting body. The Government is preparing the ground for that with the General National Congress.

We have recently established the High National Election Commission in order to select the constitution-drafting body and to hold municipal elections following the approval of the budget next week. Following those elections, in the next six months, we hope to reach the stage of being able to

hold elections and of having drafted the constitution on the basis of which the elections will be held and the State and its structures will be established. We will then enter a phase of stability and development and be able to establish permanent State institutions. We have also undertaken a number of initiatives to rebuild the country. We have launched projects in the areas of housing, power, communications and health care in order to rebuild what was destroyed in the past year and during the revolution.

My country is making efforts to cooperate. We participated in the Paris conference, held under the auspices of France. I would like to take this opportunity to thank the French Government for hosting the conference, as well as the Government of the United Kingdom, which arranged the previous conference in preparation for the one in Paris.

Mr. Mitri mentioned political isolation. The Government is wisely and vigilantly dealing with that issue in order to move forward in establishing justice and respect for human rights and to provide equal opportunities for all Libyans without exception. We have been detached from democracy and the world for 42 years. We need to make great efforts in order to inform the people about the importance of democracy and its role.

All of that requires efforts on our part and patience. We hope that the international community will understand. We reaffirm with full confidence that the Libyan people will not accept injustices against anyone in society. We will not allow anyone to be isolated unless it is under judicial orders. We are experiencing and trying to achieve national reconciliation every day. We are making every effort to achieve that goal. We have enjoyed the strong cooperation of the people and hope soon to see progress in that regard.

I would like to reaffirm Libya's commitment to the resolutions adopted in support of the revolution. We will comply with those resolutions. Through the Council and the Security Council Committee established pursuant to resolution 1970 (2011), we will try to observe all directives of the Security Council. We ask for the Council's assistance in restoring the frozen assets. We affirm that the Libyan Investment Authority will soon restart its work and will be reorganized. That will enable it to have the best leadership on the best basis. We reaffirm our full commitment to supporting world peace, establishing respect for human rights and democracy and working together with all nations to achieve justice in the world.

We hope for the Council's cooperation and support so that we can achieve our aspirations with regard to our country's development and the normalization of the situation. We reiterate the thanks of all the Libyan people — men, women and children — and their appreciation of the role of the Security Council, the Secretary-General and UNSMIL. We reaffirm our commitment to cooperating with the Council at all times. We hope that members will accept the expression of our respect and appreciation.

The President (*spoke in Russian*): I thank Prime Minister Zeidan for his statement.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Argentina, Australia, Azerbaijan, China, France, Guatemala, Luxembourg, Morocco, Pakistan, Republic of Korea, Russian Federation, Rwanda, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Russian*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2095 (2013).

There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.05 a.m.